

No. 9/5/84-6Lab/8206.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Om Weaving Factory, 41/4, Bahadurgarh Road, Sonapat:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 68 of 82

between

SHRI RAM AVADH, WORKMAN AND THE MANAGEMENT OF M/S. OM WEAVING  
FACTORY, 41/4, BAHADURGARH ROAD, SONEPAT

Present.—

Shri Bahadur Yadav, A. R., for the workman.

Shri R. C. Sharma, A. R., for the management.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Ram Avadh and the management of M/s. Om Weaving Factory, 41/4, Bahadurgarh Road, Sonapat, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/SPT/31/82/19726, dated 27th April, 1982:—

Whether the termination of services of Shri Ram Avadh was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, usual notice were issued to the parties. The parties appeared. Claim of the workman is that he was employed with the respondent as a warper on monthly wages of Rs. 330 for the last about 2½ years but the respondent barred his entry to the factory on 10th March, 1981 and thereby illegally terminating his services in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, pleas taken are that the claimant along with others had resorted to illegal stay tool down strike on 31st January, 1984 and thereafter the workman indulged in violent acts and other illegal activities, though the strike resorted to by the workman was prohibited by the Government of Haryana on 10th March, 1981 and the claimant failed to report for duty inspite of repeated reminders and as such his services were terminated on 31st March, 1981.

4. On the pleadings of the parties the following issues were framed on 25th October, 1982:—

- (1) Whether the reference is bad for reason stated in additional plea para 1 and 2 of the written statement ? If so, to what effect ?
- (2) Whether the termination of service of Shri Ram Avadh was justified and in order ? If not, to what relief is he entitled ?

5. After the management had adduced its evidence and the case was fixed for evidence of the workman, his learned Authorised Representative Shri Bahadur Yadav made a statement that he has lost contact with the workman, who is not coming forth to prosecute his claim. So, it seems that the workman is not interested in the prosecution of his claim and as such the same is dismissed for non-prosedution and answered accordingly. There is no order as to cost.

Dated the 10th October, 1984.

B. P. JINDAL,

Presiding Officer,  
Labour Court, Rohtak.  
Camp Court, Sonapat.

Endorsement No. 3503, dated the 8th November, 1984.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Sonapat.